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3c714 U.S. PTO

EXPRESS MAIL MAILING LABEL
NUMBER EL 259186668 US
DATE OF DEPOSIT October 6, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: INRP:087/SHS

**Prior Application Examiner:
Guzo, D**

**Classification Designation:
unknown**

Prior Group Art Unit: 1805

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

**REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 08/145,826 filed October 29, 1993, entitled "RECOMBINANT P53 ADENOVIRUS METHODS AND COMPOSITIONS."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 08/145,826 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such

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willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 08/145,826 filed October 29, 1993, which is a Continuation-in-part of 07/960,513 filed October 13, 1992.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number _____, filed _____ in _____ is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No. _____.

☒ 2. Enclosed is a check in the amount of \$1,426 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 7 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$760.00
Total Claims	57 - 20 =	37 X	\$18.00 =	\$666.00
Independent	3 - 3 =	0 X	\$78.00 =	\$.00
Claims				
Multiple Dependent Claim(s) -----				\$-0.00
TOTAL FILING FEES:				\$1,426.00

- ☐ 3. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☐ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 4. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Arnold White & Durkee Deposit Account No. 01-2508/INRP:087/SHS.
- ☐ 5. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 6. Address all future communications to:
- Gina N. Shishima
ARNOLD WHITE & DURKEE
P.O. Box 4433
Houston, Texas 77210
(713) 787-1400
- ☒ 7. The prior application is presently assigned to Introgen Therapeutics, Inc.
- ☒ 8. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☐ 9. Cancel in this application claims 1-42 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).

- ☐ 10. Amend the specification by inserting before the first line the sentence: --This is a divisional of co-pending application Serial No. 08/145,826 filed October 29, 1993 which is a continuation-in-part of 07/960,513 filed October 13, 1992--.
- ☐ 11. Enclosed are formal drawings.
- ☐ 12. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☒ 13. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. 08/145,826 filed October 29, 1993, for use in this application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. 08/145,826 filed October 29, 1993. Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.
- ☒ 14. Other:. Request for Transfer of Sequence Listing.
- ☒ 15. Return Receipt Postcard (should be specifically itemized).

